

EXHIBIT 11

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

_____)	
)	
In Re FLINT WATER CASES)	Civil Action No.
)	5:16-CV-10444-JEL-MKM
)	(Consolidated)
)	
)	Hon. Judith E. Levy
)	Mag. Mona K. Majzoub
)	
_____)	
Elnora Carthan, et al.,)	
Plaintiffs,)	
)	
-vs-)	Civil Action No.
)	5:16-CV-10444-JEL-MKM
Governor Rick Snyder,)	
et al,)	
Defendants.)	
_____)	

HIGHLY CONFIDENTIAL
VIDEOTAPED DEPOSITION OF STEPHEN BUSCH - VOL. 2
Friday, January 10, 2020
at 9:12 a.m.

Taken at: Foster Swift Collins & Smith, PC
313 South Washington Square
Lansing, Michigan 48933

REPORTED BY: LAURA STEENBERGH, CRR, RMR, RDR, CSR-3707

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deps@golkow.com

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<p>1 MR. BARBIERI: Objection, foundation.</p> <p>2 THE WITNESS: I did not talk to Mr. Prysby</p> <p>3 about making that statement prior to his discussion with</p> <p>4 Mr. Fonger.</p> <p>5 BY MR. PITT:</p> <p>6 Q. Okay. I assume when you read this you must have had</p> <p>7 some concern as to whether or not this was an honest and</p> <p>8 fair assessment of what was going on at the General</p> <p>9 Motors facility, correct?</p> <p>10 MS. JACKSON: Objection, form.</p> <p>11 THE WITNESS: As Mr. Prysby states, we're</p> <p>12 talking about chlorides, and he is indicating from a</p> <p>13 public health standpoint, and as I indicated yesterday,</p> <p>14 that chlorides is a secondary contaminant dealing with</p> <p>15 the aesthetics of the water. And in the case of the</p> <p>16 water being produced by the city of Flint water</p> <p>17 treatment plant utilizing the Flint River, chlorides</p> <p>18 were significantly below the aesthetic MCL that had been</p> <p>19 established by EPA.</p> <p>20 BY MR. PITT:</p> <p>21 Q. Well, I'm focusing on this language issue here that Mr.</p> <p>22 Prysby was telling you as his boss that he had asked Mr.</p> <p>23 Fonger not to use the word corrosive.</p> <p>24 MS. JACKSON: Objection, mischaracterizes the</p>	<p>1 Q. Have you spoken to her from time to time when Governor</p> <p>2 Snyder was the governor?</p> <p>3 A. A couple of times at least.</p> <p>4 Q. And what kind of conversations did you have with Ms.</p> <p>5 Brader?</p> <p>6 A. Ms. Brader had, following the Boil Water Advisory memo</p> <p>7 that had been sent, briefing memo that had been sent to</p> <p>8 Governor Snyder, there was a request that came back to</p> <p>9 the DEQ for a meeting with DEQ staff and Ms. Brader that</p> <p>10 she had some follow-up questions in regards to some of</p> <p>11 that material. And so there was a meeting in October of</p> <p>12 2014 that occurred, and there were discussions regarding</p> <p>13 Total Coliform Rule requirements and total coliform</p> <p>14 bacteria and there was discussion regarding the total</p> <p>15 trihalomethanes and the concerns regarding the levels</p> <p>16 that had occurred in the -- that the city had been</p> <p>17 provided a letter back in September in regards to that</p> <p>18 matter.</p> <p>19 Q. So the meeting that you described that you remember, was</p> <p>20 it around this time of this e-mail, this October 14th,</p> <p>21 2014 e-mail?</p> <p>22 A. It would have been around that time. I don't know</p> <p>23 whether it would have been before or after this e-mail</p> <p>24 occurred.</p>
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<p>1 statement.</p> <p>2 MR. BARBIERI: Shared.</p> <p>3 BY MR. PITT:</p> <p>4 Q. Did you agree that that was appropriate for Mr. Prysby</p> <p>5 to suggest to Mr. Fonger that the word corrosive would</p> <p>6 be inappropriate?</p> <p>7 MS. JACKSON: Same objection.</p> <p>8 THE WITNESS: I believe there needed to be</p> <p>9 distinctions between the impact of chlorides in the city</p> <p>10 of Flint's water to GM in its industrial production,</p> <p>11 versus indicating it as having, you know, impact as the</p> <p>12 chloride as corrosive in regards to public health, as we</p> <p>13 stated before, because those chlorides are not specific</p> <p>14 to public health, but an aesthetic contaminant.</p> <p>15 BY MR. PITT:</p> <p>16 Q. After you received this e-mail from Mr. Prysby did you</p> <p>17 ask him to correct anything?</p> <p>18 A. I do not believe so, but I don't know that I recall if</p> <p>19 there was follow-up regarding this afterwards or not.</p> <p>20 Q. Well, let's go to the next entry, which is October 14,</p> <p>21 2014.</p> <p>22 And do you know Valerie Brader. Do you know</p> <p>23 who she is?</p> <p>24 A. Yes.</p>	<p>1 Q. Okay. Do you remember Ms. Brader raising the concern</p> <p>2 that the public was alarmed by the fact that GM was</p> <p>3 rejecting the Flint River because it was -- it viewed</p> <p>4 the water as inappropriate for its manufacturing?</p> <p>5 A. I believe there may have been a discussion about</p> <p>6 chlorides and explaining the secondary MCL and the</p> <p>7 aesthetics and the standard.</p> <p>8 Q. In this e-mail Brader is suggesting that the city ought</p> <p>9 to return to the Detroit water.</p> <p>10 Do you remember that being raised in</p> <p>11 discussions with you?</p> <p>12 A. I recall the discussion that we had was about like the</p> <p>13 physical feasibility of how the city of Flint would, the</p> <p>14 process that you would go to through -- or you would go</p> <p>15 through to reconnect to DWSD.</p> <p>16 Q. Okay. So you're saying that as early as October of</p> <p>17 2014, which would have been about six months after the</p> <p>18 Flint River became the primary drinking source, the</p> <p>19 governor's office, his representatives are discussing</p> <p>20 with you from MDEQ the feasibility of going back to</p> <p>21 Detroit water, is that correct?</p> <p>22 A. Whether, you know, how the physical interconnections</p> <p>23 would work and the process for doing that, yes.</p> <p>24 Q. Okay. Who else from MDEQ was present at this meeting</p>

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<p>1 that you're describing for us?</p> <p>2 A. My recollection was Michael Prysby, and Dan Wyant, and</p> <p>3 there may have been others, I just do not recall at this</p> <p>4 time.</p> <p>5 Q. And who else was present from the governor's office that</p> <p>6 you recall?</p> <p>7 A. My recollection is just Ms. Brader.</p> <p>8 Q. Okay. Was she suggesting that the executive branch and</p> <p>9 the governor's people wanted to go back to the Detroit</p> <p>10 water to solve some of the consumer complaint issues</p> <p>11 that had emerged?</p> <p>12 MS. BETTENHAUSEN: Object to form.</p> <p>13 THE WITNESS: I don't recall if that was what</p> <p>14 was discussed.</p> <p>15 BY MR. PITT:</p> <p>16 Q. But your recollection is that it was more of a</p> <p>17 feasibility, what would be mechanics of the reconnecting</p> <p>18 and how would that work?</p> <p>19 A. Yes, there had been a pipeline.</p> <p>20 Q. Right.</p> <p>21 A. A section of pipeline that was used previously, I</p> <p>22 believe, that had been purchased by Karegnondi Water</p> <p>23 Authority.</p> <p>24 Q. Yeah.</p>	<p>1 Q. -- to the Detroit water system in October of 2014,</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 MS. JACKSON: Objection, lack of foundation.</p> <p>5 BY MR. PITT:</p> <p>6 Q. I think at one point in the timeline I read that the</p> <p>7 city of Detroit was going to waive its normal</p> <p>8 reconnection fee.</p> <p>9 Do you remember that occurring?</p> <p>10 THE WITNESS: That may have been discussed. I</p> <p>11 wouldn't recall when or where that would have occurred.</p> <p>12 BY MR. PITT:</p> <p>13 Q. Did Ms. Brader in this meeting with you and your</p> <p>14 colleagues say why the governor's office was interested</p> <p>15 in reconnecting with the Detroit water system?</p> <p>16 A. I don't recall that. I just recall the discussion</p> <p>17 trying to confirm that they had the physical ability to</p> <p>18 connect to Detroit if it needed to.</p> <p>19 Q. Okay.</p> <p>20 A. Or wanted to.</p> <p>21 Q. And you don't know why Ms. Brader was even asking your</p> <p>22 opinion as to how the reconnection could occur?</p> <p>23 A. Well, I don't think she understood and she just wanted</p> <p>24 us to provide that explanation.</p>
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<p>1 A. And there were some provisions that had already been set</p> <p>2 up in case of the need to reconnect.</p> <p>3 Q. Right. So the city of Flint actually sold that section</p> <p>4 of pipeline to Karegnondi for about \$4 million.</p> <p>5 Do you remember that occurring?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And so now the pipeline that would be necessary</p> <p>8 to reconnect with the city of Detroit water was now</p> <p>9 owned by Karegnondi?</p> <p>10 MS. JACKSON: Objection, lack of foundation.</p> <p>11 BY MR. PITT:</p> <p>12 Q. Right?</p> <p>13 A. At a certain time.</p> <p>14 Q. Right. And then --</p> <p>15 A. I don't remember the exact date of sale and all that.</p> <p>16 Q. So if there was going to be a reconnection with the</p> <p>17 Detroit water system, Karegnondi would have to be</p> <p>18 involved in those discussions?</p> <p>19 A. Well, there had already been a procedure developed to</p> <p>20 allow that to occur.</p> <p>21 Q. And in your opinion and the opinion of your MDEQ</p> <p>22 colleagues it was feasible to reconnect --</p> <p>23 MS. JACKSON: Objection.</p> <p>24 BY MR. PITT:</p>	<p>1 Q. Was it your impression that the reason this meeting took</p> <p>2 place was because of some of the problems that had</p> <p>3 emerged as a result of the switch over to the river</p> <p>4 water as a primary drinking source for Flint?</p> <p>5 A. Certainly in regards to the Boil Water -- the total</p> <p>6 coliform detections and the Boil Water Advisories that</p> <p>7 occurred. I don't know whether Ms. Brader was or was</p> <p>8 not aware of like the TTHM levels and the actions that</p> <p>9 we had taken in regards to that at that time.</p> <p>10 Q. Let me turn your attention to the bottom part of this</p> <p>11 page, Exhibit 200. And this is an e-mail from Michael</p> <p>12 Gadola, who's now Judge Gadola.</p> <p>13 Have you read this before?</p> <p>14 A. I may have read this after the -- after 2016.</p> <p>15 Q. Okay. So he said:</p> <p>16 "To anyone who grew up in Flint, as I did, the</p> <p>17 notion that I would be getting my drinking water from</p> <p>18 the Flint River is downright scary. Too bad the</p> <p>19 emergency manager didn't ask me what I thought." And he</p> <p>20 goes on and talks about his mother, et cetera.</p> <p>21 You know, he described the thought of drinking</p> <p>22 water out of the Flint River as scary. Did you think he</p> <p>23 was like exaggerating? What was your impression when</p> <p>24 you read that?</p>

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<p>1 CERTIFICATE OF NOTARY</p> <p>2</p> <p>3 STATE OF MICHIGAN)</p> <p>4) SS</p> <p>5 COUNTY OF MACOMB)</p> <p>6</p> <p>7 I, LAURA J. STEENBERGH, Certified Shorthand</p> <p>8 Reporter, a Notary Public in and for the above county</p> <p>9 and state, do hereby certify that the above deposition</p> <p>10 was taken before me at the time and place hereinbefore</p> <p>11 set forth; that the witness was by me first duly sworn</p> <p>12 to testify to the truth, and nothing but the truth, that</p> <p>13 the foregoing questions asked and answers made by the</p> <p>14 witness were duly recorded by me stenographically and</p> <p>15 reduced to computer transcription; that this is a true,</p> <p>16 full and correct transcript of my stenographic notes so</p> <p>17 taken; and that I am not related to, nor of counsel to</p> <p>18 either party nor interested in the event of this cause.</p> <p>19</p> <p>20 _____</p> <p>21 LAURA J. STEENBERGH</p> <p>22 CSR 3707 Notary Public,</p> <p>23 Macomb County, Michigan</p> <p>24 My Commission expires: 2/14/21</p>	<p>1 - - - - -</p> <p>2 E R R A T A</p> <p>3 - - - - -</p> <p>4 PAGE LINE CHANGE</p> <p>5 _____</p> <p>6 REASON: _____</p> <p>7 _____</p> <p>8 REASON: _____</p> <p>9 _____</p> <p>10 REASON: _____</p> <p>11 _____</p> <p>12 REASON: _____</p> <p>13 _____</p> <p>14 REASON: _____</p> <p>15 _____</p> <p>16 REASON: _____</p> <p>17 _____</p> <p>18 REASON: _____</p> <p>19 _____</p> <p>20 REASON: _____</p> <p>21 _____</p> <p>22 REASON: _____</p> <p>23 _____</p> <p>24 REASON: _____</p>
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<p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition</p> <p>4 over carefully and make any necessary</p> <p>5 corrections. You should state the reason</p> <p>6 in the appropriate space on the errata</p> <p>7 sheet for any corrections that are made.</p> <p>8 After doing so, please sign</p> <p>9 the errata sheet and date it.</p> <p>10 You are signing same subject</p> <p>11 to the changes you have noted on the</p> <p>12 errata sheet, which will be attached to</p> <p>13 your deposition.</p> <p>14 It is imperative that you</p> <p>15 return the original errata sheet to the</p> <p>16 deposing attorney within thirty (30) days</p> <p>17 of receipt of the deposition transcript</p> <p>18 by you. If you fail to do so, the</p> <p>19 deposition transcript may be deemed to be</p> <p>20 accurate and may be used in court.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3</p> <p>4 I, _____, do</p> <p>5 hereby certify that I have read the</p> <p>6 foregoing pages, and that the same is</p> <p>7 a correct transcription of the answers</p> <p>8 given by me to the questions therein</p> <p>9 propounded, except for the corrections or</p> <p>10 changes in form or substance, if any,</p> <p>11 noted in the attached Errata Sheet.</p> <p>12</p> <p>13</p> <p>14</p> <p>15 _____ DATE</p> <p>16</p> <p>17</p> <p>18 Subscribed and sworn</p> <p>19 to before me this</p> <p>20 _____ day of _____, 20____.</p> <p>21 My commission expires: _____</p> <p>22</p> <p>23 _____</p> <p>24 Notary Public</p>

76 (Pages 538 to 541)